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6 **UNITED STATES DISTRICT COURT**

7 **DISTRICT OF NEVADA**

8 UNITED STATES OF AMERICA,)
9 Plaintiff,)
10 v.) 2:09-CR-177-JCM (LRL)
11 RUSSELL WAYNE MAESTRO,)
12 Defendant.)

13 **PRELIMINARY ORDER OF FORFEITURE**

14 This Court finds that on July 6, 2010, defendant RUSSELL WAYNE MAESTRO pled guilty
15 to Count Two of a Three-Count Criminal Indictment charging him with Receipt of Child
16 Pornography, in violation of Title 18, United States Code, Section 2252A(a)(2).

17 This Court finds defendant RUSSELL WAYNE MAESTRO agreed to the forfeiture of
18 property set forth in the Forfeiture Allegation of the Criminal Indictment and the Bill of Particulars
19 for Forfeiture of Property.

20 This Court finds, pursuant to Fed. R. Crim. P. 32.2(b)(1) and (2), that the United States of
21 America has shown the requisite nexus between property set forth in the Forfeiture Allegation of the
22 Criminal Indictment and the offense to which defendant RUSSELL WAYNE MAESTRO pled guilty.

23 The following assets are subject to forfeiture pursuant to Title 18, United States Code, Section
24 2253(a)(1) and (a)(3):

25 a) any book, magazine, periodical, film, videotape, or other matter which
26 contains any such visual depiction, which was produced, transported, mailed,

shipped, or received; computer images, including movie and still image files, depicting a minor engaging in sexually explicit conduct and the diskettes and hard drives on which they are maintained;

- b) Generic Computer Tower with Collermaster case, serial number: CACT05UW0073801210;
- c) Compaq Presario 2100 Laptop computer, serial number: CNF4310G25; and
- d) Compaq Armada Laptop computer.

This Court finds the United States of America is now entitled to, and should, reduce the aforementioned property to the possession of the United States of America.

NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the United States of America should seize the aforementioned property.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED all right, title, and interest of RUSSELL WAYNE MAESTRO in the aforementioned property is forfeited and is vested in the United States of America and shall be safely held by the United States of America until further order of the Court.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the United States of America shall publish for at least thirty (30) consecutive days on the official internet government forfeiture website, www.forfeiture.gov, notice of this Order, which shall describe the forfeited property, state the time under the applicable statute when a petition contesting the forfeiture must be filed, and state the name and contact information for the government attorney to be served with the petition, pursuant to Fed. R. Crim. P. 32.2(b)(6) and Title 21, United States Code, Section 853(n)(2).

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a petition, if any, must be filed with the Clerk of the Court, 333 Las Vegas Boulevard South, Las Vegas, Nevada 89101.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a copy of the petition, if any, shall be served upon the Asset Forfeiture Attorney of the United States Attorney's Office at the following address at the time of filing:

1 DANIEL D. HOLLINGSWORTH
2 Assistant United States Attorney
3 MICHAEL A. HUMPHREYS
4 Assistant United States Attorney
Lloyd D. George United States Courthouse
333 Las Vegas Boulevard South, Suite 5000
Las Vegas, Nevada 89101.

5 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the notice described herein
6 need not be published in the event a Declaration of Forfeiture is issued by the appropriate agency
7 following publication of notice of seizure and intent to administratively forfeit the above-described
8 assets.

9 DATED this 12th day of July, 2010.

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12 *James C. Mahan*
13 UNITED STATES DISTRICT JUDGE
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PROOF OF SERVICE

I, Alexandra M. McWhorter, certify that the following individuals were served with copies of the Preliminary Order of Forfeiture on July 7, 2010 by the below identified method of service:

E-mail/ECF

Robert M. Helfend
23852 Pacific Coast Hwy.
Malibu, CA 90265
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Counsel for Russell Wayne Maestro

/s/AlexandraMMcWhorter
ALEXANDRA M. MCWHORTER
Forfeiture Support Associate Paralegal